


MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
MICHAEL MATTHES, CITY MANAGER

FROM: KEN BURTON, CHIEF OF POLICE 

REF: PROPOSED CHANGES TO CPRB ORDINANCE

DATE: JULY 25, 2011

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On behalf of the men and women of the Columbia Police Department, I sincerely appreciate you and the City Council taking another look at the ordinance that governs the Citizen Police Review Board. I think we have some opportunities to greatly improve the process.

I believe that the tremendous statutory authority police officers hold over average citizens must be acknowledged and respected, and the police must be held to strict standards in their use of that power and authority. I think we must also recognize that some people will never fully trust the police, and that the very nature of police work makes officers vulnerable to criticisms and scrutiny that no other city employee must endure. A review of my disciplinary decisions and our Department policies by a fair, impartial, and informed board of citizens is one way to promote police officer accountability. However, we must remember that for a police officer the entire internal affairs and review process can be intimidating and a tremendously stressful ordeal, even when he/she believes they have done everything right.

I know there is a perception among some people that the relationship between the Columbia Police Department and the Citizen Police Review Board is adversarial. I believe that the CPRB is made up of involved citizens who see their role as citizen advocates, and they take that role very seriously. However, we must all recognize that there are those citizens and groups who believe that the CPRB cannot be successful unless it is adversarial, and that any sign of cooperation between the entities must be an indication of something sinister. It is my sincere hope that no CPRB member feels that way, for I see active cooperation between the CPD and CPRB as mission critical.

A few months ago the Office of Citizen Complaints (OCC) in Kansas City, and the Kansas City Police Department were very gracious in taking a full day of their time to share with us their complaint process, and several CPD Staff members were exposed to a wealth of helpful information. In attendance were myself, Public Relations Sergeant Jill Wieneke, Internal Affairs Lieutenant Krista Shouse-Jones, Internal Affairs Sergeants Lloyd Simons and Jason Jones, CPRB Board Chair Ellen LoCurto-Martinez, CPRB Vice-Chair James Martin, and City Counselor Fred Boeckmann. Unfortunately and through no fault of their own, Fred Boeckmann and Ellen LoCurto-Martinez had to miss most of the presentations that day.

It should be noted that the Kansas City OCC originated in 1969 and it is considered a model program throughout the country. While I agree the OCC program is not identical to ours, there are facets of their program that would definitely enhance our overall effort and increase the credibility of the CPRB in the eyes of both officers and citizens. After attending the training and reviewing the documents they provided us I am recommending several important changes to our existing ordinance.

First, it is absolutely critical that we formally adopt a definition of "misconduct". Simply allowing for misconduct to be whatever a complainant perceives promotes inconsistency, and creates unrealistic expectations on the part of the complainant. We must have a broad definition that covers virtually any act of officer misconduct, but that allows for the re-classification or outright refusal of complaints on officers in which misconduct is not even alleged. Many of these "complaints" stem from the complainant disagreeing with the officer's actions simply because they dislike a decision or outcome. *A clear but broad definition such as the one provided in Missouri State law is my recommendation.*

**"Misconduct" is defined as excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. (RSMo 590.653)**

We must also clearly define who may make a complaint or appeal to the CPRB. Currently the ordinance allows for any citizen of Boone County to make a complaint or appeal to the Board, even when they have no direct knowledge and no real connection to a particular incident. Special interest groups continue to use the forum of the CPRB to publicize and forward their causes, and the ordinance encourages them by accepting appeals from uninvolved persons with no direct knowledge of the specific incident. *It is my recommendation that anyone filing a complaint or appeal should be directly involved in the incident, or be the parent or legal guardian of someone directly involved in the incident. An uninvolved person who witnesses what they believe may be police misconduct should be treated as a witness in the event a complaint is filed by an involved party, and not as a complainant.*

To date, the board has interviewed/heard comments from witnesses as a regular part of each appeal, even though no deficiencies in the internal investigation have been identified and communicated to me. It is my opinion that the Board should use the interview (testimony) provision of the appeal sparingly. If they feel the internal investigation is lacking the board should simply request specific investigative action from Internal Affairs. If the board does not locate deficiencies in the internal investigation file then they should be able to come to a conclusion as to whether they feel my decision in the case is appropriate. Interviews should not be conducted unless special circumstances apply, and then only in closed session. This should reduce the officer's fear of their compelled public testimony without benefit of legal counsel, being used against them in potential future litigation. It would also eliminate the need for citizens to publicly discuss matters that they may not wish to disclose publicly, or that may be of a highly personal nature. I cannot accept the argument that this ability hinders the public from "knowing" something. The CPRB members do not represent the Columbia Police Department but

they in fact *are citizens*; Citizens that have been appointed by the City Council to represent the public's interests. *I recommend adding a provision to the ordinance requiring the board to go into closed session when interviews or testimony are deemed necessary, and either the officer or complainant request it.*

The simple filing of a complaint now triggers an automatic opening of records that are otherwise closed by law, including police officer personnel files and closed criminal reports. Officers feel more exposed to personal attack and scrutiny than other city employees whose files are not immediately opened as a result of a citizen complaint. Citizens who may not even be aware of or involved in the filing of the complaint, are subject to having records about them which are otherwise closed by law, opened by third-party or anonymous complainants. *It is my recommendation that we eliminate section 21-54(a) from the ordinance and treat these records as it is already prescribed under Chapter 19 and the Missouri Sunshine Law. This would allow the board to review the relevant records, but prevent the records from being opened to the general public.*

Recognizing that the police by their very nature are unique, I know of no other profession that is reviewed or evaluated by a body that has never actually done their job. While admittedly it would not be practical to have the board made up entirely of police officers, the importance of training Board members to understand current police procedures and protocols is critical. With all due respect to his years of service, when this issue has been raised in the past some people point to one CPRB member who honorably retired from the CPD almost 17 years ago; Much has changed. If we are going to have lay persons critique, evaluate, and judge the behavior of our police officers it is absolutely critical that we adopt training standards that will reasonably guide their judgment. *I am recommending we set specific standards for training and create appropriate training programs for the Board, and on a quarterly basis require Board members spend a minimum of 4 hours riding on Patrol with a Columbia police officer.*

I remain committed to taking appropriate action when police employees engage in misconduct, while under the watchful eyes of the citizen representatives of the CPRB. I believe my recommendations are reasonable and that they will contribute to a balanced and credible system of citizen oversight for the Columbia Police Department.

# COLUMBIA POLICE OFFICERS' ASSOCIATION



Post Office Box 267, Columbia, Missouri 65205

July 27, 2011

Columbia City Council  
701 East Broadway  
Columbia, Missouri 65205

## **I. INTRODUCTION**

The Columbia Police Officers' Association ("CPOA") would like to thank you for the opportunity to bring forth recommendations concerning the Civilian Police Review Board ("the CRB" or "the Board"). We hope that this response can serve as a catalyst for future discussions between interested stakeholders.

CPOA believes that the current CRB enabling ordinance should be amended. We feel that these amendments will help limit the City's exposure to litigation, but will *not* detract from the purpose or the effectiveness of civilian review in our community.

In this report, we propose conceptual changes, rather than precise language. Should you find any or all of these conceptual changes appealing, we would be delighted to work with you going forward to provide input on specific verbiage.

As a final matter, we understand that CPD has also submitted a number of proposed ordinance amendments. In order to clarify our position in respect to the Department's proposal, we will attempt in this letter to comment on each of the Department's recommendations, even if only to express that we have no position.

## **II. PROPOSED ORDINANCE AMENDMENTS**

### **A. SECTION 21-45 (DEFINITIONS)**

There must be a definition of "misconduct." We are aware that the Board has examined and rejected this proposal previously, but we ask that the City Council consider the matter. We perceive that the Board is of the opinion that the Department, by and through a similar recommendation, is attempting to limit the Board's jurisdiction. We do not believe that such limitation is the intent or the purpose of the Department's recommendation. To the contrary, as stated by Chief Burton previously, the Department's proposal is an attempt to ensure that the Board and the Department's Internal Affairs Division ("IA") are "on the same sheet of music." In *our* opinion, the Department

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wants to ensure that they are investigating the complaints that need to be investigated, while at the same time ensuring that they are not misappropriating resources to those that do not warrant formal review. We concur with this goal. This issue is one of confusion and resource management – not necessarily jurisdiction. If the City Council does not favor the definition of misconduct provided in the Missouri Revised Statutes, we propose that we work together to develop one that is acceptable to all. CPOA is not as concerned with the adoption of CPD's definition of misconduct as we are with the absence of one in general.

## **B. SECTION 21-48 (TRAINING)**

CPOA wholeheartedly supports continuing education and training requirements for each and every member of the Board. As police practices evolve, and as the law governing those practices changes, we expect Board members to become familiar with these substantive and technical changes. All professionals, including police officers, are subject to continuing education requirements and we ask that the Board be held to a similar standard. Our proposal would include, but not be limited to, quarterly ride-along requirements and perhaps semi-annual legal updates.

## **C. SECTION 21-51 (STANDING AND STATUTE OF LIMITATIONS)**

### **1. STANDING**

We recommend that Section 21-51 be amended to narrow the scope of citizens who have standing to file complaints. We feel that the standing requirement under the current ordinance is too expensive and, as such, has allowed individuals and groups to commandeer the agenda and proper functioning of the CRB. We believe there may be middle ground between the ordinance as written and the changes proposed by CPD.

### **2. STATUTE OF LIMITATIONS**

CPOA does not have a strong opinion on this issue. We believe that CPD has raised a very valid practical matter in pointing out that consistent with state law, the current retention time for untagged audio and video files is 60 days.

## **D. SECTION 21-52 (INTERACTION WITH IA FINDINGS)**

### **1. LIVE "TESTIMONY" FROM WITNESSES**

We concur with CPD that live "testimony" from officers, complainants and witnesses should be elicited sparingly. We place the word testimony in quotations because while generally referred to as such, the comments given by individuals speaking before the Board have no evidentiary

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protections. They are not provided under oath and are not subject to the rules of evidence (i.e. regarding relevancy or hearsay). We would also like to remind you that requiring officers to testify may be affect subsequent criminal prosecution of those officers (you may in essence be granting them immunity).

## 2. FINDINGS CATEGORIES

We agree with CPD that the Board should use the same categories of findings as used by CPD in the underlying IA investigation (Sustained, Not Sustained, Exonerated, or Unfounded). We do not believe that the Board comments must necessarily be limited to these findings (in other words it may be appropriate to issue an attached opinion/explanation), but use of those disposition categories would appear to be more consistent with the findings that the ordinance requires the Chief to use in his underlying review.

We provide an additional recommendation regarding opinions/explanation in Section III below.

## E. SECTION 21-54 OPEN RECORDS AND MEETINGS

At the outset of this discussion, we feel it appropriate to mention that addressing the personnel record implications of the current ordinance is *our number one priority*. If left unaddressed, we believe that the current interpretation of the ordinance's current wording may subject our members and our City to an increasing amount of civil litigation.

Please forgive the long-winded discussion, but perhaps a bit of history will help clarify our perspective on this issue. Prior to the enactment of the CRB ordinance, the employment/personnel files of officers and all other City employees were closed (i.e. not publicly available) by virtue of Section 2 of the Code of City Ordinances. The only exception to this rule would have been in an instance where a criminal complaint was filed against an employee. In that case, the records related to that criminal complaint would have been open once such criminal complaint had been disposed.

Relevant to this discussion, the CRB ordinance reads as follows: "Notwithstanding Section 2-25.3, all records pertaining to complaints filed against police officers alleging misconduct of the police officer shall be open records...". As is currently interpreted, this section operates to open to the public all records related to any complaint, filed at any time. In other words, the records do *not* have to pertain to a complaint that is currently pending before the Board. The request does not have to be made by the individual filing the complaint. Anyone willing to pay the copying fees and expenses could request, in bulk, all records pertaining to any complaint ever filed against any officer

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of the Columbia Police Department. We feel that this is overreaching, unnecessary, and beyond the intent of City Council in passing the legislation.

We understand that the Board has a job to do and in order to conduct a thorough and necessary review, the Board must have access to the documents relevant to the complaint pending before them. We are not trying to limit the Board's private access to these records, but we cannot and do not see the necessity in removing these protections as they relate to the public at large. These protections are afforded to all private sector employees and to all other employees of the City of Columbia. We ask that this section of the ordinance be amended to address these concerns. As with many of these issues, we believe that there may be middle ground between "all open" and "all closed."

## **F. OTHER COMMENTS (MEDIATION)**

At this time, CPOA has no opinion on the necessity or structure of a complaint mediation process. We would be happy to provide input in the future if requested.

## **III. PROPOSED BYLAW AMENDMENTS**

### **A. OPINIONS AND DECISIONS**

We strongly believe that the Board should examine the way in which it issues opinions. While we feel that an amendment in this respect is extremely important, we believe that such may be addressed more appropriately in the context of the Board's bylaws, as opposed to its enabling ordinance.

We recommend that at the conclusion of an appeal, the Board discuss the matter (if it so chooses), and then take an *informal* vote upon the disposition of the complaint. We believe that the purpose of any discussion should be to discuss the merits of the case, but also to give guidance to the individual who will be drafting any subsequent opinion (if one is to be issued). We purpose that the draft opinion is then presented to the Board at the *next* meeting, to be formally voted upon and issued as the final decision. A similar process is used in some instances in Missouri state government and we believe that such procedure promotes transparency and compliance with the Sunshine law, increases accountability of Board members and the Board as a whole, and provides an opportunity for dissenting individuals to issue timely dissents as they deem appropriate.

## **IV. CONCLUSION**

# COLUMBIA POLICE OFFICERS' ASSOCIATION



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The men and women of the Columbia Police Officers' Association thank you for the opportunity to provide these comments. Please do not hesitate to contact us should you have any questions. Thank you for your service and we look forward to working with you in the future.

Sincerely,  
**THE CPOA BOARD OF DIRECTORS**

May be contacted at:  
Ashley Cuttle, Executive Director  
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**City of Columbia, Missouri**

**Citizens Police Review Board 2011 Special Report  
And Supplement to the 2010 Report**

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**Members of the Citizens Police Review Board**

James C. Martin, Chair  
Stephen Alexander, Vice Chair

Members  
Gabriel Scott Dean  
Carroll Highbarger  
John H. McClure  
Susan M. Smith  
Betty K. Wilson  
Stephen Sheltmire

### **History of the Formation of the Citizens Police Review Board**

The City of Columbia began the process of studying the possibility of establishing a review board in 2007. Originally, a coalition of citizens and groups proposed the idea of creating a civilian review board to the City Council. In response, Mayor Hindman appointed a fourteen member committee to study whether or not a review board was needed. From the formation of the Citizen Oversight Committee on November 28, 2007 until the Committee issued its report on October 6, 2008, the committee conducted a review of the complaint process and disposition. In addition, they researched literature on review boards, studied and considered different models used by cities, and hosted public events to gather input from the citizens. After extensive study and public input over the course of thirty-eight meetings, the committee unanimously agreed to recommend that the City of Columbia establish a citizen's police review board.

In July of 2009, the City Council of the City of Columbia, by adopting Ordinance Number 20331, created a nine member Citizens Police Review Board. The ordinance outlined the duties of the Citizens Police Review Board as follows:

The citizens police review board shall have the following duties:

- (1) Review appeals from the police chief's decisions on alleged police misconduct as provided for in this article.
- (2) Host public meetings and educational programs for Columbia residents and police officers.
- (3) Review and make recommendations to the police chief and city manager on police policies, procedures and training.
- (4) Prepare and submit to the city council annual reports that analyze citizen and police complaints including demographic data on complainants, complaint disposition, investigative findings and disciplinary actions. The reports should also describe the board's community outreach and educational programs. The reports should also set forth any recommendations made on police policies, procedures and training. The reports shall be submitted no later than March 1 for the previous calendar year.

Section 21-49 City of Columbia Code of Ordinances.

After reviewing fifty-three applications and interviewing eighteen applicants, the City Council appointed the first eight members of the Citizens Police Review Board in November of 2009. Also in November of 2009, the Human Rights Commission appointed its first member to the Board. The Board met for the first time on November 18, 2009. City ordinances require Board members to receive training and to follow the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. During its first year, the members of the Board received training and committed to upholding the ethical standards of NACOLE. The Board carefully studied the ordinance and developed bylaws, procedures and optional forms which comply with the requirements of the ordinance adopted by the City Council. As the City Council has fine tuned the ordinances pertaining to the Citizens Police Review Board, the Board has thoughtfully responded to these changes and adapted its procedures as needed.

## **Executive Summary**

At the July 5, 2011 City Council meeting, Mayor McDavid requested that the Citizens Police Review Board prepare a special report. On July 13, 2011, Mayor McDavid informed the Board that he wanted the special report to contain information on where the Board has been, where the Board sees itself in the future, and if any changes are needed in the ordinance.

This special report includes information on the Citizens Police Review Board's work from the appointment of its members in November of 2009 through July 19, 2011 and is prepared in response to the request of Mayor McDavid. In addition, this special report includes documents from the City of Columbia Police Department to supplement the 2010 Citizens Police Review Board Annual Report.

Pursuant to its mandate originally outlined in ordinance 20331, the Citizens Police Review Board's accomplishments include:

(1) The Board reviewed twelve appeals from the police chief's decision on alleged police misconduct. When an appeal is filed, the police department's Professional Standards Unit forwards a copy of the entire investigative file and the applicable police department policies and regulations to the Board. The Board receives the same material from the Professional Standards Unit as the Chief of Police reviewed in making his determination on the complaint. The Board reviews the material provided and applies the same standards outlined by the police department's policies used by the Chief of Police. In addition, Section 21-52 provides that the Board may request additional investigation by the police department or the Board may conduct its own investigation by either hiring a private investigator, or by interviewing and hearing comments from witnesses to the incident.

(2) The Board hosted monthly public meetings and twenty-two public educational programs.

(3) The Board reviewed and made recommendations to the police chief on police policies, procedures, and training. *See page 9 for additional information.*

(4) The Board has submitted a 2010 Annual Report and is submitting to the City Council the following special report which outlines the Board's actions from November 2009 through July 19, 2011.

In addition to the above actions, the Citizens Police Review Board's accomplishments include:

1. The Board created and adopted Bylaws and Procedures on April 14, 2010. The Board amended the Bylaws on December 8, 2010.
2. The Board designed, printed and distributed brochures about the Citizens Police Review Board in both English and Spanish.
3. The Board designed optional forms to be used by complainants and police officers.
4. The Board recruited and trained volunteer advocates to assist complainants with the process.

5. The Board provided information for the City's web page which included online complaint filing and the posting of the Board's decisions at [http://www.gocolumbiamo.com/Council/Commissions/Citizen\\_Review\\_Board/appeals.php](http://www.gocolumbiamo.com/Council/Commissions/Citizen_Review_Board/appeals.php)
6. Pursuant to the requirements of Section 21-55 of the City Code, the Board has designed a mediation program and is in the process of further refining and implementing the program. *See* draft proposal in the Appendix B.
7. The Board, with the assistance of the Public Communications Department, has developed an informational video about the Citizens Police Review Board.

### **Summary of Appeals Reviewed by the Citizen Police Review Board**

On the Citizens Police Review Board's webpage, the Board posts its decisions on each appeal. Since its inception, a total of twelve appeals have been filed. The decisions of the Citizen Police Review Board can be found at:

[http://www.gocolumbiamo.com/Council/Commissions/Citizen\\_Review\\_Board/previous-decisions.php](http://www.gocolumbiamo.com/Council/Commissions/Citizen_Review_Board/previous-decisions.php)

In 2010, the Board received seven appeals. Four of the appeals received in 2010 involved the same underlying incident. One of the four appeals involving the same incident could not be reviewed by the Board because the complainant had not filed a preliminary complaint, as required by the ordinance. Of the seven 2010 appeals, the Board affirmed the police chief's determination on four cases. On one appeal, the Board reached a different outcome after hearing from witnesses. In the remaining appeal, the Board made recommendations to the police chief.

From January 2011 through July 21, 2011, the Board reviewed five appeals. Of the five appeals reviewed, the Board affirmed the police chief's determination in three cases. Of the two remaining appeals, the Board found that the complainant had not alleged misconduct of a City of Columbia police officer in one appeal. In the other remaining appeal, the Board canceled the scheduled review after the police officer resigned.

### **Analysis of Citizen and Police Complaints**

When the 2010 Report was prepared, the Board had not received a copy of the City of Columbia Police Department's 2010 Annual Report of the Professional Standards Unit. The Board received the following documents and correspondence from the City of Columbia police department regarding the 2010 statistics. These documents are attached in Appendix A.

Columbia Missouri Police Department Media Release dated 4/20/2010  
Columbia Missouri Police Department Media Release dated 2/1/2011  
Columbia Missouri Police Department Media Release dated 2/25/2011  
Statistics on 2010 External Complaints from Columbia Missouri Police Department  
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Columbia Missouri Police Department's Information on 2010 External Complaints in which discipline was imposed and 2010 Internally Generated Investigations in which discipline was imposed

Columbia Missouri Police Department's 2010 Internal Complaints

Columbia Missouri Police Department's 2010 External Complaints

Because of the delay in receiving the information from the police department and the inconsistencies in the documents received from the police department, the Citizens Police Review Board is recommending that the City Council revise Section 21-49 of the City of Columbia Code of Ordinances to require the police department to provide the Board with monthly and annual reports containing information relating to complaints.

On January 16, 2007, the City Council voted to hire Dr. Aaron Thompson to conduct a review of the City of Columbia Police Department's Internal Affairs Unit. With respect to the contents of the monthly and annual reports, the Board recommends that the City Council require the police department to provide the information described in the 2007 report prepared by Dr. Thompson. A complete copy of Dr. Thompson's report is available on the city web site at: <http://www.gocolumbiamo.com/Council/Bills/2007/apr2bills/ReportF.pdf> outlines.

In this assessment of the City of Columbia Police Department, Dr. Thompson recommended that the Professional Standards Unit prepare the following reports:

- a. Weekly reports "outlining any new case opened, including critical incident reviews, and all cases closed during the period. The audit recommended that the weekly reports include a break down of criminal and administrative cases and include: the PSU report number, date opened, investigator, employee involved and assignment, summary of complaint, possible charges and any pertinent additional notes."
- b. Monthly reports "outlining the status of all cases broken down by current length of investigation (i.e. less than 30 days, 30-60 days, greater than 60 days, and cases on hold pending criminal investigation)." Dr. Thompson also recommended that the monthly report "include all information in the weekly reports and include the number of days the case has been opened."
- c. Quarterly personnel action reports "to quell rumors and alleviate the fear of disparaging treatment both internally and externally." The reports were to include "all disciplinary actions, commendations and complaint dispositions for sworn and civilian personnel." Dr. Thompson recommends that the quarterly reports include "a summary of all cases, comparing year to date to prior years, broken down by how the case was initiated (internally or externally); the findings of cases (number of sustained charges [at least one], number exonerated, etc.); a matrix of rules and regulations that are considered, broken down by resulting findings; and a matrix of total rules and regulations considered compared to prior years."
- d. Annual reports which would "be a combination of all reports comparing current data to that of prior years."

**Community Outreach and Educational Programs**  
**by the Citizens Police Review Board**

Section 21-49 of the City Code of Ordinances provides that the Citizens Police Review Board shall host public meetings and educational programs for Columbia residents and police officers. The Citizens Police Review Board hosted public meetings and included educational programming, as described below, during these public meetings.

<u>Date</u>	<u>Topic</u>
11/18/09	History and overview of the Establishment of Citizens Police Review Board presented by Dr. Rex Campbell
12/02/09	Search and Seizure Law presented by Professor Susan Smith
12/05/09	Internal Affairs Procedures presented by Lt. Krista Shouse Jones, Sgt. Joe Bernhard, and Sgt. Lloyd Simons.
12/12/09	Columbia Police Department's Use of Force Policies presented by Lt. Shouse-Jones, Sgt. Hestir and Officer Craig
01/13/10	Rights of the Accused and the Defense Perspective of the Criminal Justice Process by Mr. Andrew Popplewell
01/16/10	Decision Maker Simulator Training presented by Lt. Shouse-Jones, Officer Craig and Sgt. Hestir
02/10/10	Criminal Law and Procedure presented by Boone County Prosecuting Attorney Daniel Knight
03/10/10	Use of Force Policies presented by Sgt. Hestir
04/14/10	Civil Libertarian Views of the work of the Citizens Police Review Board presented by Mr. Dan Viets and Mr. Redditt Hudson
05/12/10	Public Discussion regarding the Kinloch Court SWAT incident
05/19/10	Tasers and Columbia Police Department's policies regarding the Use of Tasers presented by Officer Baillargeon and Sgt. Gordon
06/02/10	How Racial and Ethnic Scripts Impact Interactions between Law Enforcement and the Public presented by Dr. David Mitchell and Dr. David Brunsma
06/10/10	Outreach presentation by Board Member Martin to the Boone County Public Defender's Office
09/08/10	Role of the Public Defender in the Complaint Process by Ms. Jennifer Bukowsky
09/22/10	Board member Highbarger presented information to Policing in a Democratic Society class at Columbia College.
10/15/10	Board member Weinberg presented information to the Boone County Muleskinners.
10/28/10	Board member Weinberg presented information to the Rotary Club.
11/03/10	Board member Smith presented information to an after school group of young people participating in the program Granny's House.
1/12/11	Panel discussion of the City's Marijuana ordinances with speakers City Prosecutor Stephen Richey, Assistant Boone County Prosecutor Ryan Haigh; and Chief Burton
2/26/11	Best Practices Approach to Civilian Oversight of Law Enforcement presented by Kathryn Olson and Karen Williams, Representatives from NACOLE



- 6/8/11 Mediation Program Design and Structure by Dr. Deborah Doxsee and Professor James Levin
- 7/12/11 Board member Dean presented information on the Citizens Police Review Board and on the City of Columbia Human Rights Commission to the North Central Neighborhood Association.

### **Recommendations on Police Policies, Procedures and Training**

- 3/10/10 The Board recommended that the Police Chief include a copy of the appeal form in letters that he sends to the complainants in which he announces his decision on a complaint.
- 8/11/10 Members of the Board suggested that the police department prioritize complaints based upon the severity of the matter. In addition, it was recommended that the police contact the complainant right away if the complaint was not internally generated.
- 8/11/10 Councilman Kespohl recommended amendments to the ordinance related to who can file a complaint. A majority of the Board recommended that the City Council adopt the ordinance changes which were proposed by Councilman Kespohl. As a result, the City Council revised Section 21-51 on September 20, 2010.
- 8/11/10 The Board reviewed the ordinance revisions proposed by the police department related to the categorization of the police chief's findings on complaints. Section 21-51 of the Code previously stated that the police chief could make the following findings: proper, improper, or insufficient evidence to prove or disprove the allegation in the complaint. The police chief proposed that the findings be changed to: unfounded, not sustained, sustained, or exonerated. The Board concurred with the police chief's request. The City Council adopted the proposed amendments.
- 8/11/10 After the police department changed their website to limit direct on-line complaints by electronic mail, the Board requested staff to build a link for on-line email reporting of complaints to the City Clerk's Office. With the assistance of the City's Public Communications Department, this new link was rapidly deployed. It now allows citizens to file a complaint with the city clerk's office via electronic mail.
- 1/12/11 The Board recommended that the Police Chief upload the police department's policies online. The Chief of Police agreed to the suggestion under the condition that it exclude those policies that would reveal officer tactics. As of today's date, the police department has not yet posted its policies on line.

### **Additional Actions and Accomplishments**

In addition to the actions and accomplishments outlined above, the Citizens Police Review Board had the following additional accomplishments during this reporting period.

The Board also developed and adopted bylaws and procedures for conducting its business and for the review of complaints. In conducting its review, the Board reviews the investigation conducted by the police department and applies the standards set forth by the law and by the City's ordinances, policies and regulations. In addition to conducting its reviews in an open meeting, the Board now posts its decisions on the reviews on the city website to provide the openness the community desires.

With the assistance of volunteers and city staff, the Board designed, printed and distributed brochures about the Citizens Police Review Board in both English and Spanish. In addition, the Board worked with City staff to develop a video about the Citizens Police Review Board for the City channel.

Because it was important to the Board to make it easier for complainants to proceed with their complaint, the Board also produced optional forms for complainants and police officers to use. The Board also worked with City staff to provide for the public an avenue for electronic filing of complaints with the City Clerk's office. In addition, the Board recruited and trained volunteer advocates to assist complainants and police officers with the process.

Pursuant to the requirements of Section 21-55, the Board is developing a mediation program. A draft of the mediation program outline is included in the appendix. The proposed mediation program would require some funding for a mediation coordinator and training for the volunteer mediators.

In this next year, the Board will be developing a procedure to implement surveys to assess the complainant's experience with the complaint and review process.

### **Comments on the Recommendations by the Chief of Police and the Columbia Police Officers Association**

After the police chief completes his special report for the City Council and provides it to the Board, the Citizens Police Review Board will ask the public to comment on the changes proposed by the Chief of Police and the Columbia Police Officers Association. The Board intends to publicly distribute these proposals so that the public may comment during a meeting before the Board. The Board will then provide information to the City Council regarding the public's views and the Board's position on any of the proposed changes.

### **Ordinance Changes Currently Recommended by the Board**

At this time, the Board recommends that the City Council amend the ordinances to require:

1. The City of Columbia Police Department to include open record, promulgated police policies on line so that the public, the Board, and the police can easily access the policies.
2. To define misconduct as: “any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order.” This definition of misconduct includes everything contained within the City of Columbia Police Department’s Code of Conduct. All City employees, regardless of their department, are expected to follow the law, city policies and regulations, and any department policy, guideline, rule, regulation or order.
3. To require the police department to provide the Board with monthly and annual reports containing information on complaints.

### **For the Future**

The Citizens Police Review Board is committed to providing an external and independent process for review of actual or perceived police misconduct to increase police accountability to the community and community trust in the police. To achieve these goals, the Board will:

1. Work with the police and the community to establish a mediation program, as required by Section 21-55 of the City Code
2. Continue and increase outreach efforts to the police and to the community, including increased informal contact between police officers and citizens
3. Continue studying the structures and processes used in other cities, including procedures utilizing independent civilian entities such as in Kansas City, Missouri
4. Study the recruitment and training used by other law enforcement entities
5. The outreach Subcommittee and Mediation Task Force will continue their work and provide regular reports to the Board.

### **Conclusion**

In less than two years, the members of the Columbia Citizen Police Review Board have implemented the wishes of the Citizens of Columbia to have civilian oversight of the Columbia Police Department. The Board has implemented all aspects of the ordinance created by the city council and worked to improve the ordinance. In addition, the Board has developed a robust outreach program and worked to create a strong relationship based on mutual trust with the police department. New programs in mediation and increased outreach with both citizens and the police are high priority issues that will increase civilian oversight and citizen trust. We look forward to continuing to represent the citizens of Columbia, Missouri, and helping improve the Columbia Police Department.



## Columbia Missouri Police Department

600 East Walnut Street • Columbia, MO 65201

(573) 874-7652 • [www.GoColumbiaMo.com](http://www.GoColumbiaMo.com)

### Media Release (Columbia, MO April 20, 2010)

Contact: Sergeant Lloyd Simons  
Internal Affairs Unit  
(573) 874-7606

### Columbia Police Department Professional Standards Division: First Quarter Report (January through March, 2010)

The Professional Standards Division of the Columbia Police Department has finalized the first quarter report from their Internal Affairs Unit and it will be posted on their website at [www.gocolumbiamo.com](http://www.gocolumbiamo.com).

During the first quarter of 2010, Columbia police officers were dispatched to 14,785 calls for service in the City of Columbia. In addition, officers self-initiated an additional 23,779 calls, for a total of 38,564 citizen contacts. Columbia Police officers made 1,873 in-custody arrests.

- Citizen contacts: 38,564
- In-custody arrests: 1,873

Officers completed Mandatory Review information on 72 occasions. 45 of those involved a use of force. Mandatory Reviews are also completed for motor vehicle pursuits, accidents, and any firearms discharge. Mandatory Review categories are listed below.

- Baton usage
- Firearm usage
- Motor vehicle accident
- Pursuit
- Pepper spray usage
- Strikes
- TASER usage
- Other use of force

There were 0 baton usages during the first quarter 2010.

There were 13 reviews of firearms discharges during the first quarter 2010.

There were 12 motor vehicle accidents.

There were two motor vehicle pursuits.

There were 15 pepper spray usages.

There were 12 strikes.

There were 15 TASER uses. Seven of these involved probe deployments and/or drive stuns. The other eight were laser-light displays or arc-display(s).

There were three other uses of force.

Strikes are defined as an officer delivering a blow with any part of the body, hands, arms, knee, or foot, or fist. "Other" uses of force are defined as any use of force that results in injury to a suspect or subject, and therefore must be reviewed.

During this quarter, officers making arrests had to use some level of force on 45 occasions (less than three percent of all in-custody arrests). This number includes seven laser-light display TASER usages and one arc-display TASER usage.

A single incident with a particular arrestee can result in multiple reviews, because each single use of force is reviewed separately.

Of the Mandatory Reviews for the first quarter of 2010, the results are listed below.

	Proper	Improper	Pending	Total
• Baton	0	0	0	0
• Firearm	7	2	4	13
• Motor Vehicle Accident	5	7	0	12
• Pursuit	2	0	0	2
• Pepper Spray	15	0	0	15
• Strikes	12	0	0	12
• TASER	15	0	0	15
• Other use of force	3	0	0	3
	59	9	4	72

Of the 15 Taser usages, seven involved a laser-light display, one involved an arc-display, and seven involved a probe deployment and/or drive stun. Of those, six involved probe deployment only, and one involved probe deployment and drive stun both.

During first quarter 2010, Columbia Police Officers officially received 45 compliments from external sources.

Of the 38,564 citizen contacts, the department received 52 complaints or inquiries from external sources. 27 of those wanted to file formal complaints against officers (less than one-tenth of 1% of all citizen contacts).

Of the 27 external complaints, the following findings were made:

• Sustained	4
• Not Sustained	3
• Unfounded/Exonerated	8
• No Misconduct Alleged/No violation	3
• No Finding (Complaint Withdrawn)	2
• Pending	7

These are different categories than used in previous reports. Previously, complaint dispositions were categorized as Proper, Improper, Unfounded, Undetermined, No Misconduct Alleged, Make Supervisor Aware, or Pending. This change is among several that have been implemented by the Internal Affairs Unit, including the new Use of Force Reporting Procedures that require officers to complete the Resistance Control Form. Link to the news release with information about the new procedures and form at [www.gocolumbiamo.com](http://www.gocolumbiamo.com)

Do not reply to this e-mail address.



## Columbia Missouri Police Department

600 East Walnut Street • Columbia, MO 65201

(573) 874-7652 • [www.GoColumbiaMo.com](http://www.GoColumbiaMo.com)

### Media Release

(Columbia, MO, February 1, 2011)

Contact: Jill Wieneke  
Public Information Officer  
(573)-441-5047  
Sergeant Lloyd Simons  
Internal Affairs Unit  
(573) 874-7606

### Columbia Police Department Internal Affairs Unit: Year-End Report, January through December, 2010

The Columbia Police Department has finalized the 2010 year-end report from their Internal Affairs Unit. It will be posted on their website at [www.gocolumbiamo.com](http://www.gocolumbiamo.com).

During 2010, Columbia police officers were dispatched to 66,939 calls for service in the City of Columbia. In addition, officers self-initiated an additional 94,019 calls/incidents, for a total of 160,958 citizen contacts. CPD officers made 7,909 in custody arrests.

- Citizen contacts: 160,958
- In custody arrests: 7,909

In the past, the following were categorized as Uses of Force:

- Baton Usage
- Firearm Usage
- Pepper Spray Usage
- Strikes
- Taser® Usage
- Other Use of Force

As of April 1, 2010, the department adopted a more comprehensive Use of Force (UOF) reporting policy. The policy was changed to require the reporting of *any* degree of force used to overcome resistance. At that time, the following were categorized as Uses of Force for statistical reporting purposes:

- Balance Displacement
- Drawing/Exhibiting Firearms
- Handcuffing (without resulting in formal arrest)
- Impact Weapon (Baton)
- Impact Weapon (Other)
- Joint Manipulation
- Other Physical Force
- Pepper Spray
- Pressure Point Techniques
- Strikes
- Taser®
- Firearms Usage
- Canine Apprehension
- Canine Bite
- Chemical Gas (OC/CN/CS)
- Kinetic Energy Impact Device
- Horse Action/Movement

As a result, the number of the department's Uses of Force will appear to be significantly higher than in the past. However, understand that several of the categories listed above, now considered reportable "Uses of Force" for statistical purposes, and were not considered as such in the past.

Officers used some degree of force during 614 incidents during 2010. During those incidents, some degree of force was used against 748 subjects. Some of the incidents involved multiple subjects; some involved an officer attempting/using multiple types of force and/or multiple officers attempting/using some type of force. Note: a single incident with a particular arrestee can result in multiple reviews because each individual use of force is reviewed.

The following represents the total number of uses of force by category:

- Officers used balance displacement on 190 occasions.
- Officers drew/exhibited their firearms on 284 occasions.
- Officers handcuffed subjects on 362 occasions (without resulting in formal arrest).
- Officers used an impact weapon (other) on two (2) occasions.
- Officers used an impact weapon (baton) on one (1) occasion.
- Officers used joint manipulation on 177 occasions.
- Officers used other physical force on 78 occasions (any force used that did not fall into one of the other categories).
- Officers used pepper spray on 45 occasions.



- Officers used pressure point techniques on 20 occasions.
- Officers used strikes on 35 occasions.
- Officers utilized their Tasers® on 39 occasions\*:
  - 23 consisted of laser display only
  - Five (5) consisted of probe deployment followed by drive-stun
  - Eight (8) consisted of probe deployment
  - One (1) was a drive-stun only
  - One (1) was an arc-display only
  - One (1) was an accidental discharge

\* During the 7,909 in-custody arrests in 2010, officers *deployed* (projectile deployment and/or drive stuns) their Tasers® against subjects on 14 occasions (average of one (1) deployment per 565 in-custody arrests – 0.17%).

- The department's SWAT team utilized Chemical Gas (OC/CN/CS) during one (1) incident
- A canine was used for one (1) apprehension
- Officers did not employ force using any of the following categories: canine bite, Kinetic Energy Device, and/or horse action/movement

Nine (9) 2010 use of force investigations are still pending.

During 2010, of the 748 Use of Force incidents against subjects, there were 25 reported injuries as a result of force used by officers (three (3)% of all UOF incidents).

Seven (7) officers were injured in conjunction with use-of-force incidents.

Officers used their firearms on 37 occasions; 31 times for the dispatch of injured animals, four (4) times (one incident) involving an aggressive dog, and two (2) accidental discharges. The two (2) accidental firearms discharges were found to be "Improper."

Columbia Police initiated 14 vehicle pursuits during 2010. All 14 pursuits were justified (by department policy); one (1) did not follow all procedural guidelines during the course of the pursuit.

During 2010, Columbia Police officers received 140 compliments from external sources.

Of the 160,958 citizen contacts, the Columbia Police Department received 174 complaints or inquiries from external sources. Of those, only 96 of those wanted to file formal complaints or made allegations of misconduct against officers (less than 0.06% of all citizen contacts).

Of the 96 external complaints, the following findings were made:

• Sustained	12
• Not Sustained	17
• Unfounded	37
• Exonerated	10
• Pending	<u>20</u>
	96



## Columbia Missouri Police Department

600 East Walnut Street ▪ Columbia, MO 65201

(573) 874-7652 ▪ [www.GoColumbiaMo.com](http://www.GoColumbiaMo.com)

Media Release Columbia, MO, February 25, 2011

### Columbia Police Department Internal Affairs Unit: Year-End Report, January through December, 2010

The Columbia Police Department has finalized the 2010 year-end report from their Internal Affairs Unit. It will be posted on the website at [www.gocolumbiamo.com](http://www.gocolumbiamo.com).

During 2010, Columbia police officers were dispatched to 66,939 calls for service in the City of Columbia. In addition, officers self-initiated an additional 94,019 calls/incidents, for a total of 160,958 citizen contacts. CPD officers made 7,909 in custody arrests. (less than 0.05% of all citizen contacts)

- Citizen contacts: 160,958
- In custody arrests: 7,909

In the past, the following were categorized as Uses of Force:

- Baton Usage
- Firearm Usage
- Pepper Spray Usage
- Strikes
- Taser® Usage
- Other Use of Force

As of April 1, 2010, the department adopted a more comprehensive Use of Force (UOF) reporting policy. The policy was changed to require the reporting of any degree of force used to overcome resistance. At that time, the following were categorized as Uses of Force for statistical reporting purposes:

- Balance Displacement
- Drawing/Exhibiting Firearms
- Handcuffing (without resulting in formal arrest)
- Impact Weapon (Baton)
- Impact Weapon (Other)
- Joint Manipulation
- Other Physical Force
- Pepper Spray

- Pressure Point Techniques
- Strikes
- Taser®
- Firearms Usage
- Canine Apprehension
- Canine Bite
- Chemical Gas (OC/CN/CS)
- Kinetic Energy Impact Device
- Horse Action/Movement

As a result, the number of the department's Uses of Force will appear to be significantly higher than in the past. However, understand that several of the categories listed above, now considered reportable "Uses of Force" for statistical purposes, and were not considered as such in the past. (17 categories now, versus 6 previously)

Officers used some degree of force during 616 incidents during 2010. During those incidents, some degree of force was used against 751 subjects. Some of the incidents involved multiple subjects; some involved an officer attempting/using multiple types of force and/or multiple officers attempting/using some type of force. Note: a single incident with a particular arrestee can result in multiple uses of force. Each individual use of force is reported and reviewed.

The following represents the total number of uses of force by category:

- Officers used balance displacement on 193 occasions.
- Officers drew/exhibited their firearms on 284 occasions.
- Officers handcuffed subjects on 362 occasions (without resulting in formal arrest).
- Officers used an impact weapon (other) on two (2) occasions.
- Officers used an impact weapon (baton) on one (1) occasion.
- Officers used joint manipulation on 178 occasions.
- Officers used other physical force on 78 occasions (any force used that did not fall into one of the other categories).
- Officers used pepper spray on 45 occasions.
- Officers used pressure point techniques on 20 occasions.
- Officers used strikes on 36 occasions.
- Officers utilized their Tasers® on 39 occasions\*:
  - 23 consisted of laser display only
  - Five (5) consisted of probe deployment followed by drive-stun

- Eight (8) consisted of probe deployment
- One (1) was a drive-stun only
- One (1) was an arc-display only
- One (1) was an accidental discharge

\* During the 7,909 in-custody arrests in 2010, officers *deployed* (projectile deployment and/or drive stuns) their Tasers® against subjects on 14 occasions (average of one (1) deployment per 565 in-custody arrests – 0.17%).

- The department's SWAT team utilized Chemical Gas (OC/CN/CS) during one (1) incident
- A canine was used for one (1) apprehension
- Officers did not employ force using any of the following categories: canine bite, Kinetic Energy Device, and/or horse action/movement

Nine (9) 2010 use of force investigations are still pending.

During 2010, of the 749 Use of Force incidents against subjects, there were 25 reported injuries as a result of force used by officers (three (3)% of all UOF incidents).

Seven (7) officers were injured in conjunction with use-of-force incidents.

Officers used their firearms on 37 occasions; 31 times for the dispatch of injured animals, four (4) times (one incident) involving an aggressive dog, and two (2) accidental discharges. The two (2) accidental firearms discharges were found to be "Improper."

Columbia Police initiated 14 vehicle pursuits during 2010. All 14 pursuits were justified (by department policy); one (1) did not follow all procedural guidelines during the course of the pursuit.

During 2010, Columbia Police officers received 140 compliments from external sources.

Of the 160,958 citizen contacts, the Columbia Police Department received 175 complaints or inquiries from external sources. Of those, only 97 of those wanted to file formal complaints or made allegations of misconduct against officers (approximately 0.06% of all citizen contacts).

Of the 96 external complaints, the following findings were made:

- |                 |    |
|-----------------|----|
| • Sustained     | 14 |
| • Not Sustained | 19 |
| • Unfounded     | 37 |
| • Exonerated    | 14 |
| • Pending       | 13 |

<b>Total</b>	<b>97</b>
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[lsimons@gocolumbiamo.com](mailto:lsimons@gocolumbiamo.com)

Number	Received	Type of Complaint	Status	Finding
EX2010-0002	5-Jan-10	Category B: Performance of Duty - Courtesy	Completed	Not Sustained
EX2010-0003	1-Jan-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Exonerated
EX2010-0004	13-Jan-10	Category B: Performance of Duty - Unsatisfactory Performance	Completed	Not Sustained
EX2010-0005	14-Jan-10	Category B: Performance of Duty - Courtesy	Completed	Not Sustained
EX2010-0006	14-Jan-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Not Sustained
EX2010-0007	18-Jan-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded/False
EX2010-0008	22-Jan-10	Category B: Performance of Duty - Courtesy	Completed	Sustained
EX2010-0009	21-Jan-10	Category B: Performance of Duty - Courtesy	Completed	Sustained
EX2010-0010	24-Jan-10	Category B: Performance of Duty - Operating Vehicles	Completed	Sustained
EX2010-0011	26-Jan-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Completed	Exonerated
EX2010-0012	27-Jan-10	Category B: Performance of Duty - Response to Calls	Completed	Unfounded
EX2010-0013	25-Jan-10	Category B: Performance of Duty - Courtesy	Completed	Exonerated
EX2010-0014	25-Jan-10	Category B: Performance of Duty - Neglect of Duty	Completed	Unfounded
EX2010-0015	8-Feb-10	Category B: Performance of Duty - Use of Force	Completed	Sustained
EX2010-0016	1-Feb-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Exonerated
EX2010-0017	5-Feb-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Unfounded
EX2010-0018	15-Feb-10	Category B: Performance of Duty - Courtesy	Completed	Sustained
EX2010-0019	15-Feb-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0020	15-Feb-10	Category B: Performance of Duty - Use of Force	Completed	Not Sustained
EX2010-0021	3-Mar-10	Category B: Performance of Duty - Use of Force	Completed	Unfounded
EX2010-0022	24-Feb-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Not Sustained
EX2010-0023	19-Mar-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Not Sustained
EX2010-0024	24-Mar-10	Category B: Performance of Duty - Response to Calls	Completed	Not Sustained
EX2010-0025	31-Mar-10	Category B: Performance of Duty - Response to Calls	Completed	Not Sustained
EX2010-0026	31-Mar-10	Category B: Performance of Duty - Response to Calls	Completed	Not Sustained
EX2010-0027	31-Mar-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0028	9-Apr-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0029/IN2010-0019	12-Apr-10	Category E: Miscellaneous - Public Statements	Completed	Unfounded
EX2010-0030	31-Mar-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0031	20-Apr-10	Category B: Performance of Duty - Use of Force	Completed	Not Sustained
EX2010-0032	20-Apr-10	Category B: Performance of Duty - Use of Force	Forwarded	
EX2010-0033	30-Mar-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0034	22-Apr-10	Category B: Performance of Duty - Unsatisfactory Performance	Completed	Exonerated
EX2010-0035/IN2010-0020	28-Apr-10	Category B: Performance of Duty - Use of Force	Active	
EX2010-0036	17-May-10	Category E: Miscellaneous - Public Statements	Completed	Not Sustained
EX2010-0037	17-May-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0038	18-May-10	Category C: Detrimental Conduct - Improper Remarks	Completed	Sustained
EX2010-0039	2-May-10	Category B: Performance of Duty - Use of Force	Completed	Exonerated
EX2010-0040	7-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0041/MR2010-0042		Duplicate Number drawn for EX2010-0046		
EX2010-0042	7-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Not Sustained
EX2010-0043	11-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Sustained
EX2010-0044	21-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Sustained
EX2010-0045	15-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0046	5-May-10	Category B: Performance of Duty - Use of Weapon	Completed	Exonerated
EX2010-0047IR2010-0041	24-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Satisfied w/explanantion
EX2010-0048	25-Jun-10	Category B: Performance of Duty - Use of Force	Active	
EX2010-0049	28-Jun-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0050	6-Jul-10	Category B: Performance of Duty - Response to Calls	Active	
EX2010-0051	7-Jul-10	Category B: Performance of Duty - Property and Evidence	Completed	Sustained
EX2010-0052	6-Jul-10	Category B: Performance of Duty - Response to Calls	Completed	Unfounded
EX2010-0053	8-Jul-10	Category B: Performance of Duty - Courtesy	Completed	Not Sustained
EX2010-0054	8-Jul-10	Category B: Performance of Duty - Response to Calls	Completed	Unfounded
EX2010-0055	12-Jul-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Completed	Unfounded
EX2010-0056	12-Jul-10	Category B: Performance of Duty - Courtesy	Completed	Exonerated
EX2010-0057	8-Jun-10	Category B: Performance of Duty - Operating Vehicles	Completed	Unfounded
EX2010-0058	8-Jul-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Completed	Not Sustained
EX2010-0059	9-Jul-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0060	12-Jul-10	Category B: Performance of Duty - Courtesy	Completed	Exonerated
EX2010-0061	19-Jul-10	Category B: Performance of Duty - Operating Vehicles	Completed	Sustained
EX2010-0062	21-Jul-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0063	19-Jul-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0064	14-Jul-10	Category B: Performance of Duty - Use of Force	Forwarded	
EX2010-0065	30-Jul-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Completed	Unfounded
EX2010-0066	30-Jul-10	Category B: Performance of Duty - Arrest, Search and Seizure	Completed	Unfounded
EX2010-0067	5-Aug-10	Category C: Detrimental Conduct - Conduct Unbecoming	Completed	Sustained
EX2010-0068	9-Aug-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0069	20-Aug-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Completed	Unfounded
EX2010-0070	25-Aug-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0071	30-Aug-10	Category B: Performance of Duty - Courtesy	Completed	Sustained
EX2010-0072	7-Sep-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Active	
EX2010-0073	8-Sep-10	Category B: Performance of Duty - Courtesy	Forwarded	

Number	Received	Type of Complaint	Status	Finding
EX2010-0074	14-Sep-10	Category B: Performance of Duty - Use of Force	Active	
EX2010-0075	15-Sep-10	Category B: Performance of Duty - Operating Vehicles	Completed	Withdrawn
EX2010-0076	20-Sep-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0077	20-Sep-10	Category B: Performance of Duty - Arrest, Search and Seizure	Forwarded	
EX2010-0078	24-Sep-10	Category B: Performance of Duty - Use of Force	Initial	
EX2010-0079	29-Sep-10	Category B: Performance of Duty - Operating Vehicles	Completed	Not Sustained
EX2010-0080	30-Sep-10	Category B: Performance of Duty - Response to Calls	Completed	Sustained
EX2010-0081	5-Oct-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0082	6-Oct-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0083	13-Oct-10	Category B: Performance of Duty - Treatment of Persons in Custody	Completed	Exonerated
EX2010-0084	19-Oct-10	Category B: Performance of Duty - Response to Calls	Active	
EX2010-0085	26-Oct-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0086	27-Oct-10	Category A: Duty to Obey - Conformance to Laws	Active	
EX2010-0087	29-Oct-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0088	29-Oct-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Completed	Unfounded
EX2010-0089	29-Oct-10	Category E: Miscellaneous - Public Statements	Active	
EX2010-0090	6-Nov-10	Category B: Performance of Duty - Courtesy	Completed	Unfounded
EX2010-0091	15-Nov-10	Category B: Performance of Duty - Courtesy	Suspended	
EX2010-0092	16-Dec-10	Category A: Duty to Obey - Knowledge of Laws and Regulations	Forwarded	
EX2010-0093	16-Dec-10	Category B: Performance of Duty - Use of Force	Completed	Unfounded
EX2010-0094	14-Dec-10	Category C: Detrimental Conduct - Conduct Unbecoming	Active	
EX2010-0095	1-Dec-10	Category B: Performance of Duty - Use of Force	Initial	
EX2010-0096	21-Dec-10	Category C: Detrimental Conduct -	Completed	Unfounded
EX2010-0097	29-Dec-10	Category B: Performance of Duty - Use of Force	Active	
EX2010-0098	29-Dec-10	Category B: Performance of Duty - Arrest, Search and Seizure	Initial	
EX2010-0099	23-Dec-10	Category C: Detrimental Conduct - Discrimination and/or Harassment	Forwarded	



IA/File Num	Received	Sex	Race	Date-of-birth
EX2010-0001	Drawn as test number with 2010 number reset			
EX2010-0002	5-Jan-10	Male	White	3/13/1986 0:00
EX2010-0003	1-Jan-10	Female	White	5/6/1989 0:00
EX2010-0004	13-Jan-10	Male	White	12/21/1926 0:00
EX2010-0005	14-Jan-10	Male	Black	1/18/1949 0:00
EX2010-0006	14-Jan-10	Male	White	9/15/1979 0:00
EX2010-0007	18-Jan-10	Male	Black	7/31/1978 0:00
EX2010-0008	22-Jan-10	Male	White	1/8/1991 0:00
EX2010-0009	21-Jan-10	Female	White	1/18/1979 0:00
EX2010-0010	24-Jan-10	Male	White	12/7/1973 0:00
EX2010-0011	26-Jan-10	Female	Black	4/18/1970 0:00
EX2010-0012	27-Jan-10	Female	White	9/15/1978 0:00
EX2010-0013	25-Jan-10	Male	White	1/14/1955 0:00
EX2010-0014	25-Jan-10	Female	White	3/1/1962 0:00
EX2010-0015	8-Feb-10	Male	White	12/15/1973 0:00
EX2010-0016	1-Feb-10	Female	Black	3/10/1972 0:00
EX2010-0017	5-Feb-10	Male	Black	8/14/1979 0:00
EX2010-0018	15-Feb-10	Female	Black	10/25/1944 0:00
EX2010-0018	15-Feb-10	Female	Black	12/12/1959 0:00
EX2010-0018	15-Feb-10	Male	Black	11/16/1961 0:00
EX2010-0019	15-Feb-10	Male	White	6/24/1957 0:00
EX2010-0020	15-Feb-10	Male	White	11/20/1982 0:00
EX2010-0021	3-Mar-10	Female	White	3/20/1974 0:00
EX2010-0022	24-Feb-10	Female	Black	11/11/1965 0:00
EX2010-0023	19-Mar-10	Male	White	3/15/1985 0:00
EX2010-0023	19-Mar-10	Female	White	4/4/1986 0:00
EX2010-0024	24-Mar-10	Male	Black	11/14/1985 0:00
EX2010-0025	31-Mar-10	Male	Black	9/24/1984 0:00
EX2010-0026	31-Mar-10	Male	Black	9/24/1984 0:00
EX2010-0027	31-Mar-10	Female	White	8/13/1975 0:00
EX2010-0028	9-Apr-10	Male	White	2/4/1979 0:00
EX2010-0029	12-Apr-10	Male	Black	8/14/1979 0:00
EX2010-0030	31-Mar-10	Female	Black	10/5/1984 0:00
EX2010-0031	20-Apr-10	Female	White	9/6/1985 0:00
EX2010-0032	20-Apr-10	Male	White	8/13/1979 0:00
EX2010-0033	30-Mar-10	Female	White	7/28/1953 0:00
EX2010-0034	22-Apr-10	Female	White	2/13/1950 0:00
EX2010-0035	28-Apr-10	Female	White	1/2/1993 0:00
EX2010-0036	17-May-10	Male	White	7/25/1968 0:00
EX2010-0037	17-May-10	Female	White	7/10/1928 0:00
EX2010-0038	18-May-10	Male	White	6/2/1986 0:00
EX2010-0039	2-May-10	Male	Black	8/21/1971 0:00
EX2010-0040	7-Jun-10	Female	White	1/22/1955 0:00
EX2010-0041	Accidental Duplicate # for EX2010-0046			
EX2010-0042	7-Jun-10	Female	White	10/18/1956 0:00
EX2010-0043	11-Jun-10	Female	White	6/21/1984 0:00
EX2010-0044	21-Jun-10	Female	White	3/1/1960 0:00
EX2010-0045	15-Jun-10	Female	Black	8/20/1977 0:00
EX2010-0046	5-May-10	Female	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	

IA/File Num	Received	Sex	Race	Date-of-birth
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Male	Unknown	
EX2010-0046	5-May-10	Unknown	Unknown	
EX2010-0046	5-May-10	Unknown	Unknown	
EX2010-0046	5-May-10	Unknown	Unknown	
EX2010-0046	5-May-10	Female	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	White	
EX2010-0046	5-May-10	Male	Unknown	12/2/1944 0:00
EX2010-0046	5-May-10	Male	Unknown	4/15/1950 0:00
EX2010-0046	5-May-10	Female	White	12/17/1952 0:00
EX2010-0046	5-May-10	Male	White	12/1/1955 0:00
EX2010-0046	5-May-10	Female	White	8/3/1956 0:00
EX2010-0046	5-May-10	Female	Unknown	6/5/1959 0:00
EX2010-0046	5-May-10	Female	White	3/16/1960 0:00
EX2010-0046	5-May-10	Male	Unknown	6/22/1967 0:00
EX2010-0046	5-May-10	Male	White	7/25/1967 0:00
EX2010-0046	5-May-10	Male	Unknown	12/7/1968 0:00
EX2010-0046	5-May-10	Male	White	1/14/1972 0:00
EX2010-0046	5-May-10	Male	White	6/7/1975 0:00
EX2010-0046	5-May-10	Male	Unknown	9/18/1975 0:00
EX2010-0046	5-May-10	Male	White	1/18/1979 0:00
EX2010-0046	5-May-10	Female	White	2/25/1980 0:00
EX2010-0046	5-May-10	Female	White	2/12/1981 0:00
EX2010-0046	5-May-10	Male	White	6/13/1982 0:00
EX2010-0046	5-May-10	Male	White	11/16/1982 0:00
EX2010-0046	5-May-10	Male	White	1/21/1983 0:00
EX2010-0046	5-May-10	Female	Unknown	4/21/1983 0:00
EX2010-0046	5-May-10	Male	White	5/25/1984 0:00
EX2010-0046	5-May-10	Female	Hispanic	12/12/1985 0:00
EX2010-0046	5-May-10	Female	White	4/1/1986 0:00
EX2010-0046	5-May-10	Male	White	6/12/1987 0:00
EX2010-0046	5-May-10	Female	White	6/2/1988 0:00
EX2010-0046	5-May-10	Female	White	1/20/1989 0:00
EX2010-0046	5-May-10	Female	White	5/12/1989 0:00
EX2010-0046	5-May-10	Male	Unknown	9/3/1989 0:00
EX2010-0046	5-May-10	Male	Unknown	6/14/1990 0:00
EX2010-0047	Initially entered as external complaint, no misconduct alleged. Changed to IR2010-0041			
EX2010-0048	25-Jun-10	Male	Black	1/13/1991 0:00
EX2010-0049	28-Jun-10	Female	Black	5/23/1977 0:00
EX2010-0050	6-Jul-10	Female	White	12/13/1973 0:00

IA/File Num	Received	Sex	Race	Date-of-birth
EX2010-0051	7-Jul-10	Male	Black	7/18/1969 0:00
EX2010-0052	6-Jul-10	Female	Hispanic	1/16/1975 0:00
EX2010-0053	8-Jul-10	Male	Black	1/7/1976 0:00
EX2010-0054	8-Jul-10	Female	Black	12/5/1980 0:00
EX2010-0055	12-Jul-10	Male	Black	7/8/1987 0:00
EX2010-0056	12-Jul-10	Male	Black	3/7/1977 0:00
EX2010-0057	8-Jun-10	Female	Black	12/9/1984 0:00
EX2010-0058	8-Jul-10	Female	Black	4/3/1981 0:00
EX2010-0059	9-Jul-10	Male	Black	5/2/1983 0:00
EX2010-0060	12-Jul-10	Female	White	6/7/1965 0:00
EX2010-0061	19-Jul-10	Male	White	9/10/1982 0:00
EX2010-0062	21-Jul-10	Female	Black	7/8/1992 0:00
EX2010-0063	19-Jul-10	Male	White	1/14/1955 0:00
EX2010-0064	14-Jul-10	Male	Black	2/14/1981 0:00
EX2010-0065	30-Jul-10	Female	Hispanic	1/16/1975 0:00
EX2010-0066	30-Jul-10	Male	White	11/18/1976 0:00
EX2010-0067	5-Aug-10	Female	White	7/13/1989 0:00
EX2010-0068	9-Aug-10	Male	White	3/7/1952 0:00
EX2010-0069	20-Aug-10	Male	Black	12/10/1975 0:00
EX2010-0070	25-Aug-10	Male	White	8/11/1955 0:00
EX2010-0071	30-Aug-10	Male	Black	1/23/1990 0:00
EX2010-0072	7-Sep-10	Male	Black	7/1/1988 0:00
EX2010-0073	8-Sep-10	Male	White	2/20/1953 0:00
EX2010-0074	14-Sep-10	Female	White	8/9/1972 0:00
EX2010-0075	15-Sep-10	Male	White	2/12/1981 0:00
EX2010-0076	20-Sep-10	Male	Black	8/20/1948 0:00
EX2010-0077	20-Sep-10	Female	White	8/25/1992 0:00
EX2010-0078	24-Sep-10	Female	Black	1/18/1967 0:00
EX2010-0079	29-Sep-10	Male	White	10/18/1965 0:00
EX2010-0080	30-Sep-10	Female	White	1/28/1970 0:00
EX2010-0081	5-Oct-10	Male	White	7/26/1971 0:00
EX2010-0082	6-Oct-10	Male	White	10/11/1986 0:00
EX2010-0083	13-Oct-10	Male	Black	12/19/1960 0:00
EX2010-0084	19-Oct-10	Male	White	3/2/1963 0:00
EX2010-0085	26-Oct-10	Female	Black	7/29/1970 0:00
EX2010-0085	26-Oct-10	Male	Black	10/28/1991 0:00
EX2010-0086	27-Oct-10	Female	White	9/17/1983 0:00
EX2010-0087	29-Oct-10	Female	Black	1/28/1970 0:00
EX2010-0088	29-Oct-10	Male	Black	9/21/1958 0:00
EX2010-0089	29-Oct-10	Male	White	7/12/1948 0:00
EX2010-0090	6-Nov-10	Female	Black	4/22/1940 0:00
EX2010-0091	15-Nov-10	Male	White	5/21/1980 0:00
EX2010-0092	16-Dec-10	Male	White	5/4/1964 0:00
EX2010-0093	16-Dec-10	Male	White	3/19/1927 0:00
EX2010-0093	16-Dec-10	Female	White	7/23/1933 0:00
EX2010-0093	16-Dec-10	Male	Black	1/26/1934 0:00
EX2010-0093	16-Dec-10	Male	White	2/6/1941 0:00
EX2010-0093	16-Dec-10	Female	White	3/8/1947 0:00
EX2010-0093	16-Dec-10	Female	Black	11/26/1949 0:00
EX2010-0093	16-Dec-10	Male	White	11/26/1951 0:00
EX2010-0093	16-Dec-10	Male	White	12/1/1959 0:00

IA/File Num	Received	Sex	Race	Date-of-birth
EX2010-0094	14-Dec-10	Female	Black	2/16/1987 0:00
EX2010-0094	14-Dec-10	Female	Black	3/25/1989 0:00
EX2010-0095	1-Dec-10	Male	Black	5/17/1988 0:00
EX2010-0096	21-Dec-10	Female	White	7/24/1986 0:00
EX2010-0097	29-Dec-10	Female	Black	3/25/1989 0:00
EX2010-0098	29-Dec-10	Male	White	6/12/1987 0:00
EX2010-0099	23-Dec-10	Male	Black	11/30/1956 0:00

**COLUMBIA POLICE DEPARTMENT**  
**INFORMATIONAL MEMO**

TO: KEN BURTON, POLICE CHIEF VIA CHAIN OF COMMAND  
FROM: KRISTA SHOUSE-JONES, LIEUTENANT *KSJ*  
REF: 2011 JANUARY-MAY DISCIPLINE IMPOSED  
DATE: 06-13-11

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The following is a list of the incidents for which discipline was imposed from January 1 through May 31, 2011. Please note – some of the discipline listed below was imposed for incidents that occurred prior to January 1, 2011 and Driver Performance Points assessed by the Accident Review Board are not listed since they are not considered disciplinary action.

**EX2010-0067** – Convenience store clerk complained to a sergeant that an officer was spending an excessive amount of time in the store and staring at her. She also complained that the officer had somehow obtained her phone number and had been texting her approximately 2 to 3 months prior to the complaint. The clerk said she had previously told the officer to stop and that the advances were not welcome. She also complained about going home one day and finding the officer sitting in front of her house in a patrol car and said she did not know how he had obtained her address.

**Allegations sustained** - 1) Duty to Obey the Law, 2) Duty to be Honest, 3) Prohibition Against Conduct Unbecoming an Officer, 4) Prohibition Against Conducting Non-Duty Activity, 5) Misuse of Position, 6) PC Network/Computer Policy, 7) Guidelines for Corrective Action

**Discipline imposed** – Officer resigned after investigative findings were completed, but prior to discipline

**IN2010-0035** – Officer failed to adequately follow up on suspect information obtained during a larceny report/investigation.

**Allegation sustained** - Duty to be Attentive

**Discipline imposed** – Written reprimand

**IN2010-0033** – Officer failed to turn in several tickets for 4-6 weeks after issuing them and failed to include basic information in a burglary report after being verbally counseled about the quality of their reports.

**Allegation sustained** - Duty to be Attentive

**Discipline imposed** – Written reprimand

**IN2010-0029** – During the course of another internal investigation, determined officer had conducted unauthorized (no law-enforcement reason to do so) MULES/NCIC inquiry of a subject from his Mobile Data Terminal.

**Allegation sustained** - PC Network/Computer Policy

**Discipline imposed** – 80-hour suspension

**MR2010-0562** – Department vehicle accident, officer struck another vehicle from behind.

**Allegation sustained** – Duty to Drive Safely

**Discipline imposed** – Written reprimand

**EX2010-0084** - Officer failed to adequately follow up on or document suspect information obtained during a robbery report/investigation.

**Allegation sustained** - Duty to be Attentive

**Discipline imposed** – Written reprimand

**IN2010-0036** – Officer failed to complete numerous reports in a timely manner and did not submit evidence in a timely manner for several cases. Officer also failed to submit a warrant request for a suspect in a domestic assault case until several weeks after the reported assault.

**Allegations sustained** – 1) Duty to be Attentive, 2) Property Management, 3) Domestic Violence Response

**Discipline imposed** – Performance improvement plan

**IN2010-0038** – Officer failed to properly package blood evidence related to a sexual assault and left the evidence in a locker for approximately five days. When asked about the evidence, officer stated he had never worked a sexual assault before and that he was uncertain how to properly package the evidence. Officer did not have a response when asked why he had not asked for assistance.

**Allegation sustained** – Property Management

**Discipline imposed** - Written reprimand

**EX2011-0007** - Officer made discourteous statements to citizen in the course of handling a call.

**Allegation sustained** - Duty to be Courteous

**Discipline imposed** – Written reprimand

**IN2010-0030** – During the course of other internal investigation and review, officer's video showed the officer was driving in excess of speed limit on two occasions (one of which occurred after new policy on speed was imposed).

**Allegation sustained** - Duty to Drive Safely

**Discipline imposed** – Verbal counseling/warning

**IN2011-0001** – Officer called in sick to work, citing a sick child as the reason. Officer had previously posted information on a social networking site that indicated the child would not be at home during this time. Officer's vehicle had been seen parked outside a bar just prior to the officer calling in. Officer had previously requested next day off and request had been denied. When a sergeant went to the officer's residence to check, officer initially lied about the child being there. Officer subsequently admitted child was not home.

**Allegations sustained** – 1) Duty to be Honest, 2) Sick Leave Policy Violation

**Discipline imposed** – Officer resigned during investigation (prior to discipline)

**IN2011-0002** – Supervisory employee made several inappropriate comments to her subordinates in reference to returning some property.

**Allegation sustained** – Guidelines for Corrective Action

**Discipline imposed** – Caution/Counseling

**VA2011-0008** - Department vehicle accident, employee struck another vehicle as they were turning.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**VA2011-0009** - Department vehicle accident, officer lost control of vehicle, slid off road, and struck grassy area in median.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**VA2011-0007** - Department vehicle accident, officer backed into an object in the parking garage at CPD.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**MR2010-0853** - Department vehicle accident, officer backed into a dumpster.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**MR2010-0847** - Department vehicle accident, officer had on emergency lights, went through a steady red signal, and was struck by another vehicle.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**VA2011-0019** - Department vehicle accident, officer backed into an object in the parking garage at CPD.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**MR2010-0851** - Department vehicle accident, officer lost control of vehicle and slid off road.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**MR2010-0856** - Department vehicle accident, officer was backing up when they struck an unoccupied vehicle.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

**EX2010-0048** – During the course of an internal investigation into use of force complaint, determined officer had not documented a use of physical force.

**Allegation sustained** – Duty to be Attentive  
**Discipline imposed** – Written reprimand

**EX2011-0009** – Citizen complained about officer merging into his lane without signaling, almost causing a collision.

**Allegation sustained** – Duty to Drive Safely  
**Discipline imposed** – Verbal counseling/warning

KSJ 1306

**COLUMBIA POLICE DEPARTMENT**  
**INFORMATIONAL MEMO**

TO: KEN BURTON, CHIEF VIA CHAIN OF COMMAND  
FROM: KRISTA SHOUSE-JONES, LIEUTENANT  
REF: 2010 ANNUAL REPORT COMPLAINT DISPOSITION ADDENDUM  
DATE: 06-16-11

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In late May/early June 2011, IA conducted a review of the 2010 external complaint dispositions. On 06/09/2011, you were made aware of the results of that review and approved an addendum to the 2010 annual report with regard to the disposition of 10 of the complaints. The information about each of those complaints is listed below, with the changes to be notated listed in red.

Many of the complaints listed below were re-categorized for purposes of consistency for the annual report. As you know, the findings categories for complaints were changed in September 2010. When the annual report for 2010 was generated earlier this year, all of the 2010 complaints were put into one of the four current categories of findings. This was done in an attempt to make the statistics more meaningful and the information more consistent.

Also, as a department we found a need to determine how we wanted to list findings for complaints that were withdrawn or those in which the "complainant" says after the investigation is initiated that it was never their intention to file a formal complaint. In the future, unless the complaint is a serious one that would require investigation regardless of the complainant's wishes, it is my understanding we will generally categorize withdrawn complaints or complaints in which there was no intention to file a formal complaint as unfounded, unless during the course of reviewing the information the officer is exonerated or another violation is discovered that would warrant further investigation.

As an addendum, notes will be placed in the summary section in the IA database for each of the following cases to reflect the changes. The disposition categories themselves will not be changed.

EX2010-0004 – Finding was originally categorized as "No finding/complaint withdrawn" in the annual report and changed to "Not Sustained" for the annual report. Re-categorized for annual report to fit one of the four findings categories. The original finding of "No finding/complaint withdrawn" appears to be correct.

EX2010-0005 - Finding was originally categorized as "No Violation" and changed to "Not Sustained" for the annual report. The CCIR said the complainant was satisfied with the supervisor handling the incident and did not wish to file a formal complaint. Re-categorized for annual report to fit one of the four findings categories. The finding of "No formal/make supervisor aware" is most appropriate.



EX2010-0013 – Finding was listed as “Exonerated”, but the summary of the complaint says that complainant withdrew the complaint.  
The finding will be notated as “No finding/complaint withdrawn.”  
EX2010-0020 – Finding listed as “Not Sustained” for annual report, but the investigation indicates the complaint was unfounded.  
The finding will be notated as “Unfounded.”

EX2010-0022 - Finding was initially listed as “No Misconduct Alleged” and was listed in the annual report as “Not Sustained”.  
Re-categorized for annual report. The original finding of “No Misconduct Alleged” was correct and will be notated as such.

EX2010-0023 - Finding was initially listed as “No finding, complaint withdrawn” and was listed in the annual report as “Not Sustained.”  
Re-categorized for annual report. The finding of “No formal/make supervisor aware” is most appropriate.

EX2010-0025 & EX2010-0026 – Findings listed as “Not Sustained” for the annual report.  
A review of the investigation narratives for these complaints showed that the disposition in EX2010-0025 was listed as “unfounded” and in EX2010-0026 was listed as “proper.”  
The appropriate findings for both will be notated as “unfounded.”

EX2010-0042 – Finding was listed as “Not Sustained”, but complainant said she did not want to make formal complaint and just wanted to make supervisor aware.  
The finding will be notated as “No formal/make supervisor aware.”

EX2010-0058 – Findings were listed as “Not Sustained”, but investigation says allegations were “Unfounded”.  
The finding will be notated as “Unfounded.”

EX2010-0075 – Finding was listed as “Not Sustained”, but information indicates the complaint was withdrawn.  
Re-categorized for annual report. The finding of “No finding/complaint withdrawn” is more appropriate.

As previously stated, much of the re-categorization issue was caused by trying to make all of the complaints fall into one of the four existing categories. This has become problematic when the complainant expresses a desire to withdraw a complaint or when the complainant says it was never their intention to file a formal complaint. The issue was compounded by the fact that for much of 2010, the categories for findings used internally were different from those specified by ordinance until the ordinance was changed in September 2010 to reflect these internal categories. Prior to the ordinance change, wording reflecting the old ordinance categories was used in the letters to complainants. This added to the confusion both internally and externally.

## **2010 External Complaints in which discipline was imposed:**

EX2010-008 - Courtesy allegation was unfounded, Verbal Counseling for Use of Audio/Video System  
EX2010-009 - Verbal Counseling for Duty to be Courteous  
EX2010-010 - Verbal Counseling for parking violation  
EX2010-015 - Officer 1-Excess force allegation unfounded, 5-day (40-hr) suspension for Prohibition of Conduct Unbecoming an Officer and Duty to be Courteous  
Officer 2-Courtesy and excess force allegations both unfounded  
EX2010-018 - Duty to be Courteous sustained and discipline was combined for this and #15 above (5-day/40-hr suspension total)  
EX2010-038 - 15-day (120-hr) suspension for Duty to Safeguard Information & Guidelines for Corrective Action (Ordinance 19-225)  
EX2010-043 - Informal Memo for Duty to be Courteous  
EX2010-044 - Officer 1-Written Reprimand for Duty to be Courteous  
Officer 2-Attention to Duty allegation was unfounded  
EX2010-051 - Transport of Prisoners allegation was unfounded, Informal Memo for Attention to Duty  
EX2010-061 - Verbal Counseling for parking violation  
EX2010-067 - Conduct Unbecoming, Duty to be Honest, Duty to Obey the Law, Conducting Non-Duty Activity, Misuse of Position, Violation of PC/Network Computer Policy, Guidelines for Corrective Action. All allegations sustained, employee resigned before any discipline Imposed.  
EX2010-071 - Written Reprimand for Duty to be Courteous  
EX2010-080 - Courtesy allegation not sustained, Verbal Counseling for Attention to Duty

## **2010 Internally Generated Investigations in which discipline was imposed:**

\*\*\*Please note: some information below may pertain to personnel records\*\*\*

IN2010-0003 - Informal memo for Duty to be Courteous  
IN2010-0005 - 5-day (40-hr) suspension for Harassment  
IN2010-0009 - Informal memo for Insubordination  
IN2010-0010 - 3-day (24-hr) suspension for Attention to Duty  
IN2010-0011 - 1-day (8-hr) suspension for Attention to Duty (accidental firearms discharge)  
IN2010-0012 - Informal memo for Duty to be Courteous  
IN2010-0014 - Written reprimand for Attention to Duty (accidental firearms discharge)  
IN2010-0016 - Informal memo for Duty to Drive Safely  
IN2010-0017 - Informal memo for Duty to Drive Safely  
IN2010-0022 - Informal memo for Rules Governing Public Statements  
IN2010-0021 - 3-day (24-hr) suspension for Duty to Drive Safely  
IN2010-0027 - Written reprimand for Duty to Safeguard Information  
IN2010-0026 - Suspension combined with EX2010-0015 & EX2010-0018 (40 hrs total) for Conduct Unbecoming an Officer, Duty to be Courteous, & Guidelines for Corrective Action  
IN2010-0028 - Informal memo for Duty to be Prepared  
IN2010-0029 - 10-day (80-hr) suspension for Violation of PC/Network Computer Policy

IN2010-0033 - Written reprimand for Attention to Duty  
IN2010-0034 - Verbal counseling for Attention to Duty  
IN2010-0035 - Written reprimand for Attention to Duty  
IN2010-0039 - Informal memo for Attention to Duty & and Duty to Obey Dept Guidelines/Directive  
MR2010-0018 - Informal memo for Duty to Drive Safely  
MR2010-0065 - Informal memo for Motor Vehicle Pursuit procedure  
MR2010-0079 - Written reprimand for Duty to Drive Safely  
MR2010-0082 - Informal memo for Duty to Drive Safely  
MR2010-0083 - Duty to Drive Safely, officer resigned before discipline  
MR2010-0084 - Informal memo for Duty to Drive Safely  
MR2010-0086 - Informal memo for Duty to Drive Safely  
MR2010-0088 - Informal memo for Duty to Drive Safely  
MR2010-0126 - 1-day (8hr) suspension for Duty to Drive Safely  
MR2010-0299 - Informal memo for Duty to Drive Safely  
MR2010-0562 - Informal memo for Duty to Drive Safely  
MR2010-0863 - Informal memo for Duty to Drive Safely

## 2010 External Complaints

Number	Received	Type of Complaint	Status	Finding	Discipline
EX2010-0001		Drawn as test number with 2010 number reset			
EX2010-0002	5-Jan-10	Courtesy	Completed	Not Sustained	
EX2010-0003	1-Jan-10	Search and Seizure	Completed	Exonerated	
		Search and Seizure		Exonerated	
EX2010-0004	13-Jan-10	Attention to Duty	Completed	Not Sustained	
EX2010-0005	14-Jan-10	Courtesy	Completed	Not Sustained	
EX2010-0006	14-Jan-10	Property Management	Completed	Not Sustained	
EX2010-0007	18-Jan-10	Courtesy	Completed	Unfounded	
EX2010-0008	22-Jan-10	Courtesy	Completed	Unfounded	
		Patrol Vehicle Audio/Video Recording System		Sustained	Verbal counseling
EX2010-0009	21-Jan-10	Courtesy	Completed	Sustained	Verbal counseling
EX2010-0010	24-Jan-10	Operating Vehicles (Parking)	Completed	Sustained	Verbal counseling
EX2010-0011	26-Jan-10	Harassment	Completed	Exonerated	
EX2010-0012	27-Jan-10	Duty to Uphold the Constitution	Completed	Unfounded	
EX2010-0013	25-Jan-10	Courtesy (Officer 1)	Completed	Exonerated	
		Courtesy (Officer 2)		Exonerated	
		Courtesy (Officer 3)		Exonerated	
EX2010-0014	25-Jan-10	Attention to Duty	Completed	Unfounded	
EX2010-0015	8-Feb-10	Courtesy (Officer 1)	Completed	Sustained	40-hr suspension (combined w/discipline for IN2010-0026 & EX2010- 0018)
		Conduct Unbecoming (Officer 1)		Sustained	Same as above
		Use of Force (Officer 1)		Unfounded	
		Use of Force (Officer 2)		Unfounded	
		Courtesy (Officer 2)		Unfounded	
EX2010-0016	1-Feb-10	Search and Seizure (Officer 1)	Completed	Exonerated	
		Search and Seizure (Officer 2)		Exonerated	
EX2010-0017	5-Feb-10	Search and Seizure	Completed	Unfounded	
EX2010-0018	15-Feb-10	Courtesy	Completed	Sustained	Suspension - Combined w/EX2010-0015 & IN2010- 0026 (see above)
EX2010-0019	15-Feb-10	Courtesy	Completed	Unfounded	
EX2010-0020	15-Feb-10	Use of Force	Completed	Not Sustained	
EX2010-0021	3-Mar-10	Use of Force	Completed	Exonerated	
		Courtesy		Unfounded	
EX2010-0022	24-Feb-10	Search and Seizure	Completed	Not Sustained	
EX2010-0023	19-Mar-10	Handcuffing	Completed	Not Sustained	
EX2010-0024	24-Mar-10	Duty to be Honest	Completed	Not Sustained	
EX2010-0025	31-Mar-10	Attention to Duty	Completed	Not Sustained	
EX2010-0026	31-Mar-10	Attention to Duty	Completed	Not Sustained	
EX2010-0027	31-Mar-10	Attention to Duty	Completed	Unfounded	
EX2010-0028	9-Apr-10	Courtesy	Completed	Unfounded	

Number	Received	Type of Complaint	Status	Finding	Discipline
EX2010-0029	12-Apr-10	Public Statements	Completed	Unfounded	
EX2010-0030	31-Mar-10	Courtesy	Completed	Unfounded	
EX2010-0031	20-Apr-10	Use of Force	Completed	Not Sustained	
EX2010-0032	20-Apr-10	Use of Force	Completed	Exonerated	
		Property Management		Exonerated	
EX2010-0033	30-Mar-10	Courtesy	Completed	Unfounded	
EX2010-0034	22-Apr-10	Duty to Safeguard Information	Completed	Exonerated	
EX2010-0035	28-Apr-10	Use of Force (Officer 1)	In Chain		
		Courtesy(Officer 1)			
		Use of Force (Officer 2)			
EX2010-0036	17-May-10	Rules Governing Public Statements	Completed	Not Sustained	
EX2010-0037	17-May-10	Courtesy	Completed	Unfounded	
EX2010-0038	18-May-10	Duty to Safeguard Information	Completed	Sustained	120-hr suspension
		Guidelines for Corrective Action (City ordinance 19-225)		Sustained	Same as above
EX2010-0039	2-May-10	Use of Force (Officer 1)	Completed	Exonerated	
		Use of Force (Officer 2)		Exonerated	
		Use of Force (Officer 3)		Exonerated	
EX2010-0040	7-Jun-10	Courtesy	Completed	Unfounded	
EX2010-0041		Accidental Duplicate # for EX2010-0046			
EX2010-0042	7-Jun-10	Courtesy	Completed	Not Sustained	
		Attention to Duty		Not Sustained	
EX2010-0043	11-Jun-10	Courtesy	Completed	Sustained	Memorandum
EX2010-0044	21-Jun-10	Courtesy (Officer 1)	Completed	Sustained	Written reprimand
		Attention to Duty (Officer 2)		Unfounded	
EX2010-0045	15-Jun-10	Courtesy (Officer 1)	Completed	Unfounded	
		Courtesy (Officer 2)		Unfounded	
EX2010-0046	5-May-10	Use of Weapon (Officer 1)	Completed	Exonerated	
		Use of Weapon (Officer 2)		Exonerated	
		Use of Weapon (Officer 3)		Exonerated	
		Use of Weapon (Officer 4)		Exonerated	
EX2010-0047		Initially entered as external complaint, no misconduct alleged. Changed to IR2010-0041			
EX2010-0048	25-Jun-10	Use of Force (Officer 1)	Completed	Exonerated	
		Attention to Duty (Officer 1)		Sustained	Written reprimand
		Duty to Uphold the Constitution (Officer 1)		Unfounded	
		Use of Force (Officer 2)		Exonerated	
		Duty to Uphold the Constitution (Officer 2)		Unfounded	
EX2010-0049	28-Jun-10	Courtesy	Completed	Unfounded	
EX2010-0050	6-Jul-10	Courtesy	In Chain		
		Duty to Safeguard Information			
		Rules Governing Public Statements			
EX2010-0051	7-Jul-10	Property Management	Completed	Sustained	Memorandum
		Transportation of Prisoners		Unfounded	
EX2010-0052	6-Jul-10	Attention to Duty	Completed	Unfounded	
EX2010-0053	8-Jul-10	Courtesy	Completed	Not Sustained	
EX2010-0054	8-Jul-10	Rules Governing Public Statements	Completed	Unfounded	

Number	Received	Type of Complaint	Status	Finding	Discipline
EX2010-0055	12-Jul-10	Harassment	Completed	Unfounded	
EX2010-0056	12-Jul-10	Courtesy	Completed	Exonerated	
EX2010-0057	8-Jun-10	Operating Vehicles	Completed	Not Sustained	
		Operating Vehicles	Completed	Unfounded	
		Operating Vehicles	Completed	Unfounded	
EX2010-0058	8-Jul-10	Harassment	Completed	Not Sustained	
EX2010-0059	9-Jul-10	Harassment	Completed	Unfounded	
EX2010-0060	12-Jul-10	Courtesy	Completed	Exonerated	
EX2010-0061	19-Jul-10	Operating Vehicles (Parking)	Completed	Sustained	Verbal counseling
EX2010-0062	21-Jul-10	Courtesy	Completed	Unfounded	
EX2010-0063	19-Jul-10	Courtesy	Completed	Unfounded	
EX2010-0064	14-Jul-10	Use of Force	Completed	Exonerated	
EX2010-0065	30-Jul-10	Discrimination	Completed	Unfounded	
		Attention to Duty		Unfounded	
EX2010-0066	30-Jul-10	Search and Seizure (Officer 1)	Completed	Unfounded	
		Search and Seizure (Officer 2)		Unfounded	
		Search and Seizure (Officer 3)		Unfounded	
EX2010-0067	5-Aug-10	Conduct Unbecoming	Completed	Sustained	Officer resigned
		Duty to be Honest		Sustained	Same as above
		Duty to Obey the Law		Sustained	Same as above
		Prohibition Against Non-Duty Activity		Sustained	Same as above
		Misuse of Position		Sustained	Same as above
		PC Network/Computer Policy		Sustained	Same as above
		Guidelines for Corrective Action (City ordinance 19-225)		Sustained	Same as above
EX2010-0068	9-Aug-10	Courtesy	Completed	Unfounded	
EX2010-0069	20-Aug-10	Discrimination	Completed	Unfounded	
EX2010-0070	25-Aug-10	Courtesy	Completed	Unfounded	
EX2010-0071	30-Aug-10	Courtesy	Completed	Sustained	Written reprimand
EX2010-0072	7-Sep-10	Duty to Act Only Where Authorized	Completed	Unfounded	
EX2010-0073	8-Sep-10	Courtesy	Completed	Not Sustained	
EX2010-0074	14-Sep-10	Use of Force (Officer 1)	Completed	Not Sustained	
		Use of Force (Officer 2)		Not Sustained	
		Courtesy (Officer 1)		Not Sustained	
		Courtesy (Officer 2)		Not Sustained	
EX2010-0075	15-Sep-10	Operating Vehicles	Completed	Not Sustained	
EX2010-0076	20-Sep-10	Courtesy	Completed	Unfounded	
EX2010-0077	20-Sep-10	Search and Seizure	Completed	Unfounded	
		Courtesy		Unfounded	
		Conduct Unbecoming		Unfounded	
EX2010-0078	24-Sep-10	Use of Force (Officer1)	Completed	Unfounded	
		Use of Force (Officer 2)		Unfounded	
EX2010-0079	29-Sep-10	Operating Vehicles	Completed	Not Sustained	
EX2010-0080	30-Sep-10	Attention to Duty	Completed	Sustained	Verbal counseling
		Courtesy		Not Sustained	
EX2010-0081	5-Oct-10	Courtesy	Completed	Unfounded	

Number	Received	Type of Complaint	Status	Finding	Discipline
EX2010-0082	6-Oct-10	Courtesy	Completed	Unfounded	
EX2010-0083	13-Oct-10	Handcuffing	Completed	Exonerated	
EX2010-0084	19-Oct-10	Attention to Duty	Completed	Sustained	Written reprimand
EX2010-0085	26-Oct-10	Courtesy	Completed	Unfounded	
EX2010-0086	27-Oct-10	Property Management	Completed	Not Sustained	
EX2010-0087	29-Oct-10	Discrimination	Completed	Unfounded	
		Courtesy		Unfounded	
EX2010-0088	29-Oct-10	Discrimination	Completed	Unfounded	
EX2010-0089	29-Oct-10	Duty to Safeguard Information	Completed	Unfounded	
EX2010-0090	6-Nov-10	Courtesy	Completed	Unfounded	
EX2010-0091	15-Nov-10	Courtesy (Officer 1)	Completed	Not Sustained	
		Courtesy (Officer 2)		Unfounded	
EX2010-0092	16-Dec-10	Duty to Uphold the Constitution	Completed	Unfounded	
		Operating Vehicles		Exonerated	
EX2010-0093	16-Dec-10	Use of Force (Officer 1)	Completed	Unfounded	
		Use of Force (Officer 2)		Unfounded	
EX2010-0094	14-Dec-10	Conduct Unbecoming	Completed	Unfounded	
		Prohibition Against Non-Duty Activity		Unfounded	
EX2010-0095	1-Dec-10	Use of Force (Officer 1)	Active		
		Use of Force (Officer 2)			
EX2010-0096	21-Dec-10	Courtesy (Officer 1)	Completed	Unfounded	
		Courtesy (Officer 2)		Unfounded	
EX2010-0097	29-Dec-10	Use of Force	Active		
EX2010-0098	29-Dec-10	Seizure of Persons	Completed	Unfounded	
EX2010-0099	23-Dec-10	Discrimination	Completed	Exonerated	
		Duty to Uphold the Constitution		Exonerated	
EX2010-0100	6-Dec-10	Use of Force (Officer 1)	Active		
		Use of Force (Officer 2)			

## 2010 Internal Complaints

Number	Received	Type of Complaint	Status	Finding	Discipline
IN2010-0001		Drawn as test number with 2010 number reset			
IN2010-0002	19-Jan-10	Conduct Unbecoming	Completed	Sustained	Written reprimand
		Guidelines for Corrective Action (City ordinance 19-225)		Sustained	Same as above
IN2010-0003	14-Jan-10	Courtesy	Completed	Sustained	Memorandum
IN2010-0004	22-Jan-10	Harassment	Completed	Not Sustained	
IN2010-0005	22-Jan-10	Harassment	Completed	Sustained	40-hr suspension
IN2010-0006	24-Jan-10	Attention to Duty	Completed	Not Sustained	
IN2010-0007	24-Jan-10	Attention to Duty	Completed	Not Sustained	
IN2010-0008		Purged - number drawn in error			
IN2010-0009	1-Feb-10	Insubordination	Completed	Sustained	Memorandum
IN2010-0010	15-Feb-10	Attention to Duty	Completed	Sustained	24-hr suspension
IN2010-0011	27-Feb-10	Firearms policy violation (accidental discharge)	Completed	Sustained	8-hr suspension
IN2010-0012	1-Mar-10	Courtesy	Completed	Sustained	Memorandum
IN2010-0013	23-Feb-10	Attention to Duty	Completed	Unfounded	
IN2010-0014	24-Mar-10	Firearms policy violation (accidental discharge)	Completed	Sustained	Written reprimand
IN2010-0015	14-Mar-10	Purged - number drawn in error			
IN2010-0016	19-Mar-10	Operating Vehicles (vehicle accident)	Completed	Sustained	Memorandum
IN2010-0017	31-Mar-10	Operating Vehicles (vehicle accident)	Completed	Sustained	Memorandum
IN2010-0018	5-Apr-10	Pursuit policy violation (Associated w/MR2010-0065)	Completed	Sustained	Memorandum
IN2010-0019	14-Apr-10	Purged - number drawn in error			
IN2010-0020	28-Apr-10	Purged - number drawn in error			
IN2010-0021	3-May-10	Operating Vehicles	Completed	Sustained	24-hr suspension
IN2010-0022	4-May-10	Rules Governing Public Statements	Completed	Sustained	Memorandum
IN2010-0023		Deleted - number drawn for an investigation categorized as EX/MR			
IN2010-0024	17-May-10	Courtesy	Completed	No Formal/make spv aware	
				Sustained	None (Chain recommended Memorandum, but was not issued due to clerical error)
IN2010-0025	7-Jun-10	Vehicle Inspections	Completed		
					40-hr suspension (combined with EX2010-0015 & EX2010-0018)
IN2010-0026	21-Jun-10	Courtesy	Completed	Sustained	
		Conduct Unbecoming		Sustained	Same as above



		Guidelines for Corrective Action (City ordinance 19-225)		Sustained	Same as above
IN2010-0027	27-Jul-10	Duty to Safeguard Information	Completed	Sustained	Written reprimand
IN2010-0028	30-Jul-10	Duty to Be Prepared	Completed	Sustained	Memorandum
IN2010-0029	16-Sep-10	PC Network/Computer Policy	Completed	Sustained	80-hr suspension
		Duty to Be Honest		Not Sustained	
IN2010-0030	6-Jul-10	Operating Vehicles	Completed	Sustained	Verbal counseling
IN2010-0031	25-Sep-10	Use of Force	Completed	Proper	
IN2010-0032	7-Oct-10	Attention to Duty	Completed	Not Sustained	
IN2010-0033	12-Oct-10	Attention to Duty	Completed	Sustained	Written reprimand
IN2010-0034	16-Oct-10	Attention to Duty	Completed	Sustained	Verbal counseling
IN2010-0035	25-Oct-10	Attention to Duty	Completed	Sustained	Written reprimand
IN2010-0036	9-Nov-10	Attention to Duty	Completed	Sustained	Performance Improvement Plan
		Property Management		Sustained	Same as above
		Domestic Violence Response		Sustained	Same as above
IN2010-0037	24-Oct-10	Operating Vehicles	Completed	Sustained	Memorandum
IN2010-0038	16-Dec-10	Property Management	Completed	Sustained	Written reprimand
IN2010-0039	22-Dec-10	Attention to Duty	Completed	Sustained	Memorandum
		Duty to Obey Dept Guidelines & Directives		Sustained	Same as above

**Citizens Police Review Board  
Mediation Task Force  
Outline of Proposed Procedures for Mediation Program - June 2011**

Mediation is a voluntary and confidential process in which an impartial third party, the mediator, attempts to assist the complainant and the officer in achieving a mutually satisfying and workable resolution to their dispute. Through the assistance of volunteer trained mediator(s), mediation allows both the officer and the complainant to meet to clarify their differences and to design their own mutually acceptable resolution of the complaint. Unlike a judge or arbitrator, the mediator does not impose a decision on the parties. Instead, the mediator facilitates a dialogue among the parties which is conducive to settling the dispute outside of the formal legal process. The role of the mediator is to assist the parties in developing a mutually acceptable resolution to a given dispute. The mediator clarifies terms, summarizes issues and directs the process to improve communication between and among the parties.

The proposed program design would involve the use of a paid mediation coordinator and the use of trained volunteer mediators. The mediation coordinator would be responsible for administering the program, recruiting and training volunteers, and screening cases appropriate for mediation.

By ordinance, the complainant must file a complaint with either the City of Columbia Police Department or the City Clerk. Unless the allegation involves excessive use of force, a criminal matter or an integrity matter, a copy of the complaint shall be forwarded to the mediation coordinator by electronic mail within two business days. Upon receipt, the mediation coordinator shall assign a unique sequential tracking number to the complaint. Within two business days, the mediation coordinator reviews the complaint to determine whether or not the complaint meets the program's guidelines. The task force recommends that mediation would be inappropriate if:

1. the complainant alleges excessive use of force;
2. the complainant alleges a criminal matter;
3. the complainant alleges an integrity issue; or
4. the police officer has had four referrals to mediation arising out of separate incidences during an eighteen (18) month period.

Even if the allegation involves excessive use of force, an alleged crime, or integrity matter, the Chief of Police may refer the allegation to the mediation coordinator if the Chief of Police deems that the complaint is appropriate for mediation.

The mediation coordinator ultimately determines if the case is appropriate for mediation. The mediation coordinator may make that determination based upon the information provided in written form or after contact with the complainant or officer. If the mediation coordinator determines a case is not appropriate for mediation or if either party declines participation, the mediation coordinator shall refer the case back to the City of Columbia Police Department's Professional Standards Unit.

If the mediation coordinator determines that the complaint is appropriate for mediation, the mediation coordinator makes initial contact with officer and complainant by letter/email with general program information. The initial contact will indicate that the mediation coordinator will contact the party by telephone. The mediation coordinator will discuss mediation with both parties individually. During the initial individual meetings, the mediation coordinator will explain the process and the procedures. If a party consents to mediation, the mediation coordinator shall have the party sign an agreement to mediate. If any party declines participation, the mediation coordinator will refer the case back to the police department. If both parties agree to mediate, the mediation coordinator contacts the volunteer mediators and the parties to schedule the mediation. If possible, the mediation should be held within one month of receipt of the complaint.

During the mediation, the mediator(s) reviews the ground rules at the beginning of the mediation. If the parties do not reach an agreement, the mediator will inform the parties of the options if the complainant chooses to pursue his or her complaint.

Support persons will not be present in the mediation. However, either party can request a break to meet with their support persons privately outside the room of the mediation.

If the parties do reach an agreement, while the agreement is confidential, notice will be provided to the review board and the police department that an agreement has been reached. The mediation coordinator will supervise the agreement and will close the file when the terms of the agreement are fulfilled. The terms of the agreement will remain confidential.

A “successful” mediation is one in which the parties reach an agreement. The mediation coordinator shall provide the Board with quarterly reports which, at a minimum, include the number of complaints received, the number of mediations held, the number of successful mediations, and the number of cases in which the parties declined to mediate, and the number of cases that were referred to the police department with the reason for the referral.

#### Sample Outline of a Mediation Session

Mediator(s) provides introductions. Mediator(s) reviews training. Mediator(s) inquires regarding any prior relationships between mediators and parties. Mediator(s) reviews the process with the parties. Mediator discusses the role of the mediator to provide impartial facilitation of the parties’ communications and that the mediator will not provide legal advice. The mediator is not the judge.

The mediator will then allow the complainant to speak first to explain how they perceived the situation and how the person would like it to be resolved. The officer then would explain how he or she perceived the situation and how the officer would like it to be resolved. The parties then brainstorm options to reach a fair and just resolution. The mediator will assist the parties in drafting an agreement. Each party will get a copy of

any written agreement. The written agreement may/may not be a contract. The mediator may hold private “help” sessions and either party may request a break.

The mediator will remind the parties that it is a voluntary process. The mediator will also remind the parties to be respectful of each other. The mediator will remind both parties that they have agreed to the confidentiality and privacy provisions of the mediation program. Any notes taken during the mediation will be destroyed. At the conclusion of the mediation, if the parties have not reached agreement, the mediator will review the options if the complainant chooses to pursue his or her complaint. If the parties have reached agreement, the mediator will review the agreement and the process for completing the terms of the agreement (if any). To ensure quality of the mediation program, the mediation coordinator will survey participants after the mediation.